

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed June 13, 2005. Claims 4-6, 14-19 and 24-29 were allowed or indicated as allowable. Claims 1-3 and 7 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-3, 5-7, 14-19, and 24-29 remain in the application. Claims 1-23 were originally presented. Claims 24-29 were previously added. Claim 4 has been canceled without prejudice. Claims 1, 5 and 6 have been amended. Claims 5 and 6 have been amended only to correct dependency, without narrowing the scope thereof, and not for any reason related to patentability.

The indication of allowable claims 14-19 and 24-29, and the indication of allowable subject matter in claims 4-6, if rewritten in independent form, is acknowledged with appreciation.

Independent claim 1 has been amended to include the allowable subject matter of claim 4, and is allowable, as are dependent claims 2, 3, and 5-7. Accordingly, claim 4 has been canceled without prejudice.

Claim Rejections - 35 U.S.C. § 112

Claims 1-3 and 7 stand rejected under § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claim 1 has been amended to include the allowable subject matter of allowable claim 4. Therefore, independent claim 1 and dependent claims 2, 3, and 7 are allowable.

In addition, Applicant respectfully submits that there are innumerable ways in which a plurality of sandwich fixings can be separate and arcuate layers, and that rolling the sandwich layers in a flexible sheet is but one method of devising separate and arcuate layers of sandwich fixings. For example, a plurality of sandwich fixings can include a large outer layer of meat or cheese with several interior layers disposed on the large outer layer and rolled together into a cylindrical roll. As another example, the plurality of sandwich materials could be layers disposed

around a non-stick dowel which is placed in a freezer and allowed to freeze into an arcuate shape; whereupon the dowel is removed leaving the plurality of sandwich fixings in separate and arcuate layers that can be disposed in the sandwich. Applicant notes that these are but two examples of a vast number of ways of providing a plurality of sandwich fixings in separate and arcuate layers. Therefore, Applicant asserts that the current specification clearly enables one of ordinary skill in the art of sandwich making to practice the method of the present invention.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-3, 5-7, 14-19 and 24-29 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Preliminary Amendment to Deposit Account No. 20-0100.

DATED this 1 day of September, 2005.

Respectfully submitted,



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